



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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January 19, 2022

By ECF

Hon. Stewart D. Aaron
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Request GRANTED. The telephonic settlement conference is hereby adjourned to February 28, 2022, at 2:00 pm. SO ORDERED.
Dated: 1/21/2022

A handwritten signature in blue ink that reads "Stewart D. Aaron".

Re: Russell v. DOCCS, No. 18-CV-8543 (DLC)(SDA)

Dear Judge Aaron:

This Office represents the New York State Department of Corrections and Community Supervision ("Defendant"), in the above-referenced case. On December 13, 2021, Your Chambers emailed the parties requesting dates in January 2022 to participate in a settlement conference pursuant to Judge Cote's Order. (Dkt. Nos. 83-84). On December 17, 2022, the parties jointly responded via e-mail providing January 2022 dates, but notified the Court that a settlement conference in February would likely be more productive. Your Honor then issued an Order scheduling a telephonic settlement conference for January 27, 2022 (Dkt. No. 85).¹

I write, with the gracious consent of Plaintiff's counsel, to respectfully request an adjournment of the telephonic settlement conference scheduled for January 27, 2022.² (Dkt. No. 85). The parties are available to participate in a settlement conference on February 28, 2022 or March 1, 2022, and would endeavor to make themselves available on a date convenient for the Court thereafter.

The grounds for this request are that the evaluation of Plaintiff's settlement demand required by New York Public Officers' Law § 17 is ongoing, but unfortunately will not be completed by the current January 27, 2022 conference date. We are not authorized to respond to Plaintiff's demand or make a counter-offer until this process is completed. A later settlement conference would thus likely be more productive.

Additionally, complications arising from pregnancy will now require me to be out of the office for several days during the next few weeks. More specifically, I was previously the only attorney assigned on this case, and will be undergoing several medical treatments that will likely

¹ The Joint Pretrial Order is to be filed on March 4, 2022, and the case is currently on the Trial Calendar for April 2022. (Dkt. No. 83).

² Pursuant to your Honor's settlement conference procedures, ex-parte pre-conference submissions are due 7 days before the settlement conference, i.e., January 20, 2022.

last many weeks, which would require me to commence a planned maternity leave earlier than anticipated.

My Office is attempting to minimize any disruption to the schedule in this case caused by my medical emergency. Assistant Attorney General Gee Won Cha has already been assigned to this case with me and will be primarily handling the settlement conference. While I am assisting to the extent my medical condition allows, AAG Cha will need time to review this matter.

This is the first request for an extension of these dates. I thank the Court for its attention to this matter.

Respectfully Submitted,

/s/

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cc: Plaintiff's counsel of record (Via ECF)